

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13 are presently active; Claims 1 and 9 have been presently amended. The feature presented for consideration in this amendment is shown in Applicant's Figure 3.

In the outstanding Office Action, Claims 1, 2, and 4-11 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Shiraishi (U.S. Pat. No. 5,838,479) in view of Wang et al (U.S. Pat. No. 6,292,285). Claim 3 was indicated as being allowable.

Firstly, Applicant acknowledges with appreciation the indication of allowance for Claim 3.

Secondly, Applicant acknowledges with appreciation the courtesy of Examiner Cherry to discuss this case briefly on January 9, 2006.

During those discussions the subject matter of a *two-stage optical deflection unit having each stage separated in a vertical scanning direction* was discussed. Examiner Cherry indicated during those discussions that there might be references showing this feature. Nevertheless, in an effort **not** to prematurely limit Applicant's claimed invention, the present amendment formally submits this feature for consideration.

Regarding the present rejection, the Office Action acknowledges that Shiraishi do not disclose a two-stage optical deflection unit.¹ The Office Action applies Wang et al for a teaching of a two-stage optical deflection unit. However, unit 102 in Wang et al (associated in the Office Action as a two-stage optical deflection unit) is single prismatic unit, as seen in Figure 1 of Wang et al, and is not a two-stage optical deflection unit having each stage separated in a vertical scanning direction, as presently defined in Claim 1 and Claim 9.

¹ Office Action, page 4, lines 2-3.

Given this distinction from Shiraishi and Wang et al, it is respectfully submitted that independent Claims 1 and 9 and the claims dependent therefrom patentably define over Shiraishi and Wang et al.

Finally, this amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not presented earlier. The present amendment represents subject matter similar to that defined in Claims 12 and 13, presented in the previous reply to the Office Action and not fully addressed in the present final Office Action. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. Under this circumstance, it is respectfully requested that 37 C.F.R. §1.116 be liberally construed and the present amendment be entered.

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

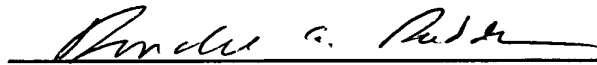
Respectfully submitted,

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